

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

**MODIFIED CHAPTER 13 PLAN**

IN RE: Gary Beto  
and  
Beverly Beto

Dated:  
CASE NO.

(In a joint case, debtor means debtors in this plan)

\_\_\_\_\_/ Debtor(s)

**1. PAYMENTS BY DEBTOR --**

- a. As of the date of this plan, the debtor has paid the trustee \$ 0.00.
- b. After the date of this plan, the debtor will pay the trustee \$ 663.69 *monthly* for 60 months, beginning within 30 days after the filing of this plan for a total of \$ 39,821.40.
- c. The debtor will also pay the trustee \_\_\_\_\_
- d. The debtor will pay the trustee a total of \$ 39,821.40 [line 1(a)+line1(b)+line1(c)].

- 2. PAYMENTS BY TRUSTEE --** The trustee will make payments only to creditors for which proofs of claim have been filed, make payments monthly as available, and collect the trustee's percentage fee of 10% for a total of \$ 3,982.14 [line 1(d) x .10] or such lesser percentage as may be fixed by the Attorney General. For purposes of this plan, month one (1) is the month following the month in which the debtors make the debtor's first payment. Unless ordered otherwise, the trustee will not make any payments until the plan is confirmed. Payments will accumulate and be paid following confirmation.

- 3. PRIORITY CLAIMS --** The trustee shall pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates only. The trustee will pay the amounts actually allowed.

<u>CREDITOR</u>	<u>ESTIMATED CLAIM</u>	<u>MONTHLY PAYMENT</u>	<u>BEGINNING IN MONTH #</u>	<u>NUMBER OF PAYMENTS</u>	<u>TOTAL PAYMENTS</u>
<i>Attorney Fees</i>	<i>800.00</i>	<i>66.67</i>	<i>1</i>	<i>12</i>	<i>800.00</i>
<i>Guardian Ins. &amp; Annuity</i>	<i>3,042.82</i>	<i>95.09</i>	<i>1</i>	<i>32</i>	<i>3,042.82</i>
<b>TOTAL</b>				<b>\$</b>	<b>3,842.82</b>

- 4. LONG TERM SECURED CLAIMS NOT IN DEFAULT --** The following creditors have secured claims. Payments are current and the debtor will continue to make all payments which come due after the date the petition was filed directly to the creditors. The creditors will retain their liens.

CREDITOR

*Citi Financial Services Inc.*  
*Litton Loan Service*

- 5. HOME MORTGAGES IN DEFAULT [§1322(b)(5)] --** The trustee will cure defaults (plus interest at the rate of 0.00 per cent per annum) on claims secured only by a security interest in real property that is the debtor's principal residence as follows. The debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

**NONE**

- 6. OTHER LONG-TERM SECURED CLAIMS IN DEFAULT [§1322(b)(5)]** -- The trustee will cure defaults (plus interest at the rate of 0.00 per cent per annum) on other claims as follows and the debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

<u>CREDITOR</u>	<u>AMOUNT OF DEFAULT</u>	<u>MONTHLY PAYMENT</u>	<u>BEGINNING IN MONTH #</u>	<u>NUMBER OF PAYMENTS</u>	<u>TOTAL PAYMENTS</u>
<i>Citi Financial Services Inc.</i>	<i>1,095.57</i>	<i>45.65</i>	<i>1</i>	<i>24</i>	<i>1,095.60</i>
<i>Litton Loan Service</i>	<i>7,080.94</i>	<i>333.32</i>	<i>1</i>	<i>24</i>	<i>7,999.68</i>
<b>TOTAL</b>				<b>\$</b>	<b>9,095.28</b>

- 7. OTHER SECURED CLAIMS [§1325(a)(5)]** -- The trustee will make payments to the following secured creditors having a value as of confirmation equal to the allowed amount of the creditor's secured claim using a discount rate of 12.00 percent. The creditor's allowed secured claim shall be the creditor's allowed claim or the value of the creditor's interest in the debtor's property, whichever is less. The creditors shall retain their liens. NOTE: NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. §1327 AND CONFIRMATION OF THE PLAN WILL BE CONSIDERED A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM UNDER 11 U.S.C. § 506(a).

<u>CREDITOR</u>	<u>CLAIM AMOUNT</u>	<u>SECURED CLAIM</u>	<u>MONTHLY PAYMENT</u>	<u>BEGINNING IN MONTH #</u>	<u>NUMBER OF PAYMENTS</u>	<u>TOTAL PAYMENTS</u>
<i>Community First National Bank</i>	<i>5,000.40</i>	<i>5,000.40</i>	<i>192.86</i>	<i>1</i>	<i>32</i>	<i>6,171.55</i>
<b>TOTAL</b>					<b>\$</b>	<b>6,171.55</b>

- 8. SEPARATE CLASS OF UNSECURED CREDITORS** -- In addition to the class of unsecured creditors specified in ¶ 9, there shall be a separate class of nonpriority unsecured creditors described as follows:

- The debtors estimate that the total claims in this class are \$ 0.00.
- The trustee will pay this class \$ 0.00.

- 9. TIMELY FILED UNSECURED CREDITORS** -- The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶¶ 2, 3, 5, 6, 7 and 8 their pro rata share of approximately \$ 16,729.61 [line 1(d) minus the totals of Paragraphs 2, 3, 5, 6, 7, and line 8(b)].
- The debtor estimates that the total unsecured claims held by creditors listed in ¶ 7 are \$ 0.00.
  - The debtor estimates that the debtors' total unsecured claims (excluding those in ¶ 7 and 8) are \$ 16,729.62.
  - Total estimated unsecured claims are \$ 16,729.62 [line 9(a) + line 9(b)].

- 10. TARDILY-FILED UNSECURED CREDITORS** -- All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 5, 6, 7, 8 or 9 shall be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

- 11. OTHER PROVISIONS** --

**12. SUMMARY OF PAYMENTS --**

Trustee's Fee [Paragraph 2]	\$	<u>3,982.14</u>
Priority Claims [Paragraph 3 Total]	\$	<u>3,842.82</u>
Home Mortgage Defaults [Paragraph 5 Total]	\$	<u>0.00</u>
Long-Term Debt Defaults [Paragraph 6 Total]	\$	<u>9,095.28</u>
Other Secured Claims [Paragraph 7 Total]	\$	<u>6,171.55</u>
Separate Class [Line 8(b)]	\$	<u>0.00</u>
Unsecured Creditors [Paragraph 9]	\$	<u>16,729.61</u>
<b>TOTAL</b> [must equal Line 1(d)]	\$	<u>39,821.40</u>

NAME OF LAW FIRM: **Heller Law Firm**  
**Stephen L. Heller**  
**606 25th Avenue South #110**  
**St. Cloud, MN 56301**

Phone: **320-654-8000**

License Number: **246347**

Signed \_\_\_\_\_

Debtor: **Gary Beto**

Signed \_\_\_\_\_

Debtor: **Beverly Beto**

Stephen L. Heller / 246347  
Attorney for Debtor  
606 25th Avenue South, Suite 110  
St. Cloud, MN 56301  
320-654-8000

AFFIDAVIT OF SERVICE BY MAIL

STATE OF MINNESOTA     )  
                                      ) ss.  
COUNTY OF STEARNS     )

Lisa Jacoby, first duly sworn, states that on the 9<sup>th</sup> day of September, 2004, she served the annexed a Notice of Hearing on Pre-Confirmation Modified Plan, Modified Chapter 13 Plan, Amended Schedule I, and Amended Schedule J, by mailing to said creditors and trustees a true and correct copy thereof, enclosed in an envelope, postage prepaid, and depositing same in a U.S. receptacle at St. Cloud, Minnesota, addressed to said entities as follows:

Michael Farrell  
Bankruptcy Trustee  
P.O. Box 519  
Barnesville, MN 56514

US Trustee  
1015 US Courthouse  
300 South 4th Street  
Minneapolis, MN 55415

Arrow Financial Services  
885 S Janeville Street  
White Water, WA 53190

Asset Acceptance Corp  
PO Box 2036  
Warner, MI 48090-2036

Calvary  
PO Box 1030  
Hawthorne, NY 10532

Certified Recovery Systems  
PO Box 815  
Eau Claire, WI 54702

Citi Financial Services Inc  
40 33<sup>rd</sup> Avenue South  
St Cloud, MN 56301

Citi Financial Services Inc  
PO Box 7490  
40 33<sup>rd</sup> Avenue South  
St Cloud, MN 56302

Collection Bureau of Little Falls  
120 21<sup>st</sup> Street SE, Ste 2  
Little Falls, MN 56345

Community First National Bank  
65 East Broadway  
Little Falls, MN 56345

Consulting Radiologists Ltd  
1221 Nicollet Mall, Ste 600  
Minneapolis, MN 55403

Credit Management Services  
PO Box 130784  
Roseville, MN 55113

Family Medical Center  
811 SE 2<sup>nd</sup> Street, Ste A  
Little Falls, MN 56345

Financial Recovery Services  
PO Box 385908  
Minneapolis, MN 55438-5908

Kenny Rehab Associates

Lakes Gas Co No 43  
PO Box 253  
Royalton, MN 56373

Litton Loan Service  
4828 Loop Central Drive  
Houston, TX 77081-2226

Menards  
PO Box 6150  
Rapid City, SD 57709-6150

Monogram Ban of Georgia  
PO Box 103036  
Rosewell, GA 30076

NCO Financial Systems  
PO Box 41417  
Philadelphia, PA 19101

Northway Oil  
PO Box 127  
Little Falls, MN 56345

Payments Plus  
3419 3<sup>rd</sup> Street North  
St Cloud, MN 56301

Reliance Recoveries  
6160 Summit Drive, Ste 420  
Minneapolis, MN 55430

Sams  
PO Box 3724  
Knoxville, TX 37927

Sheldon Law  
PO Box 7215  
St Cloud, MN 56301

St Gabriel's Hospital  
815 SE 2<sup>nd</sup> Street  
Little Falls, MN 56345

Wilford & Geske  
Attorneys at Law  
7650 Currell Blvd, Ste 300  
Woodbury, MN 55125

Otremba Disposal  
PO Box 168  
Royalton, MN 56373

Phoenix Management Systems  
PO Box 3972  
Minneapolis, MN 55403-3972

Robert M Lindstrom PA  
3904 Sheridan Ave South  
Minneapolis, MN 55410

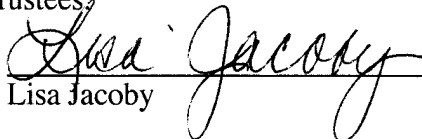
Sears  
PO Box 182149  
Columbus, OH 43218

Shopko Optical #4061  
501 Hwy 10 SE  
St Cloud, MN 56304

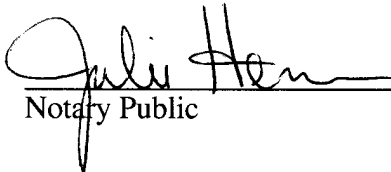
Transworld Systems  
5880 Commerce Blvd  
Rohnert Park, CA 94928

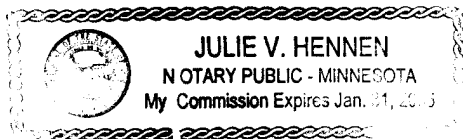
Wolpoff & Abramson  
702 King Fram Blvd  
Rockville, MD 20850-5775

the last known address of said creditors and trustees,

  
Lisa Jacoby

Subscribed and sworn to before me  
this 9<sup>th</sup> day of September, 2004.

  
Notary Public



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re: Gary & Beverly Beto

SIGNATURE DECLARATION

Debtor(s).


Case No. 04-34127

- ☐ PETITION, SCHEDULES & STATEMENTS  
☐ CHAPTER 13 PLAN  
☐ SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION  
☐ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS  
☒ MODIFIED CHAPTER 13 PLAN  
☒ OTHER (Please describe: Notice of Hearing on Pre-Confirmation Modified Plan  
Amended Schedule L, Amended Schedule J)


I [We], the undersigned debtor(s) or authorized representative of the debtor, **make the following declarations under penalty of perjury:**

- The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- [individual debtors only] If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- [corporate and partnership debtors only] I have been authorized to file this petition on behalf of the debtor.

Date: 9-9-04

X   
Signature of Debtor or Authorized Representative

Gary Beto  
Printed Name of Debtor or Authorized Representative

X   
Signature of Joint Debtor

Beverly S. Beto  
Printed Name of Joint Debtor